

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 14, the Department amends Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

These amendments implement the January 1, 2018, cost of living adjustments (COLA) to income limits and benefit amounts for several State Supplementary Assistance (SSA) categories. These rules also implement the changed personal needs allowance for the Residential Care Facility (RCF) assistance and Family-Life Home (FLH) assistance. The net change to the personal needs allowance is a decrease due to a small COLA percentage increase that is offset by a larger decrease in the average monthly Medicaid copayments used to calculate the amount of this deduction.

Effective January 1, 2018, the Supplemental Security Income (SSI) benefit will be increased according to the increase in the consumer price index from July 1, 2016, through September 30, 2016 and July 1, 2017 through September 30, 2017. The Social Security Administration has announced that this increase will be 2.0%. In order to comply with the federal pass-along requirement in calendar year 2018 using the payment levels method of compliance, Iowa must increase the payment amounts and income limits for each State Supplementary Assistance category (except In-Home Health-Related Care provider rates and the Supplement for Medicare and Medicaid Eligibles) effective January 1, 2018, to equal the minimum levels required by the federal government. The minimum levels are increased each time the SSI benefit is increased using a formula that includes the cost of living percentage. Also, the Iowa General Assembly has directed the Department to increase the personal needs allowance of clients in the RCF program by the same percentage and at the same time as the SSI

cost of living increase. The annual recalculation of the personal needs allowance includes an average of the monthly Medicaid copayments from the past state fiscal year which is added to any SSI cost of living percentage increase to the base personal needs allowance. The net change to the personal needs allowance this year will be a decrease due to a small COLA percentage increase and a larger decrease in the average monthly Medicaid copayments for this eligible group.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because these amendments increase payment amounts and income limits under the SSA program in accordance with COLA increases in SSI benefits, as required to meet federal pass-along requirements and by the Iowa General Assembly. In addition, according to the recent federal government announcement, the annual SSI COLA increases will become effective January 1, 2018, which will allow time for notice and public comment before the changes become effective.

Pursuant to Iowa Code sections 17A.5(2)“b”(1)(a) and (b), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2018. These amendments confer a benefit on the public and are in compliance with 2017 Iowa Acts, House File 653, section 14.

The Administrative Rules Review Committee reviewed these amendments on January 5, 2018.

These amendments are also published herein under Notice of Intended Action as **ARC XXXXC** to allow for public comment.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 14.

These amendments became effective January 5, 2018.

The following amendments are adopted.

ITEM 1. Amend subrule 51.4(1) as follows:

51.4(1) *Income*. Income of a dependent relative shall be less than ~~\$379~~ \$387. When the dependent's income is from earnings, an exemption of \$65 shall be allowed to cover work expenses.

ITEM 2. Amend rule 441--51.7(249) as follows:

441—51.7(249) *Income from providing room and board*.

In determining profit from furnishing room and board or providing family-life home care, ~~\$379~~ \$387 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

ITEM 3. Amend subrule 52.1(1) as follows:

52.1(1) *Protective living arrangement*. The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

~~\$797~~ \$813 Care allowance

~~\$100~~ \$ 99 Personal allowance

~~\$897~~ \$912 Total

ITEM 4. Amend subrule 52.1(2) as follows:

52.1(2) *Dependent relative.* The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

- a. Aged or disabled client and a dependent relative ~~\$1,114~~ \$1,137
- b. Aged or disabled client, eligible spouse, and a dependent relative ~~\$1,482~~ \$1,512
- c. Blind client and a dependent relative ~~\$1,136~~ \$1,159
- d. Blind client, aged or disabled spouse, and a dependent relative ~~\$1,504~~ \$1,534
- e. Blind client, blind spouse, and a dependent relative ~~\$1,526~~ \$1,556

ITEM 5. Amend subrule 52.1(3) as follows:

52.1(3) *Residential care.* For periods of eligibility before July 1, 2017, the department will reimburse a recipient in either a privately operated or non-privately operated residential care facility on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of \$30.11. The department shall establish a cost-related per diem rate for each licensed residential care facility choosing the cost-related reimbursement method of payment according to rule 441—54.3(249).

For periods of eligibility beginning July 1, 2017, ~~and thereafter,~~ payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.11; ~~but reimbursement for recipients in non-privately operated residential care facilities will continue to be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.11.~~

For periods of eligibility beginning January 1, 2018, and thereafter, payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.60. Reimbursement for recipients in non-privately operated residential care facilities will be based on the flat per diem rate of \$17.86 or be based on the cost-related

reimbursement system with a maximum per diem rate of \$30.60.

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this sub rule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program. Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

(1) No change.

(2) An allowance of ~~\$100~~\$99 to meet personal expenses and Medicaid copayment expenses.

(3) to (6) No change.

b. to *g.* No change.